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Samuel Unger  
Executive Director  
CRWQCB- LA Region  
Via Fax and E-mail

MOU Comment

Dear Sam:

It was a pleasure yesterday to meet you and discuss water quality and public health issues at the conference in Malibu. As you may recall, I have been a family physician in Malibu for over thirty years.

I was one of the first to alert Heal the Bay, the Regional Board and others about surfers and swimmers at Surfrider Beach getting sick from polluted waters flowing from the lagoon. Ms. Madelyn Glickfeld and I helped start the Malibu Creek Watershed Group.

I have been happy to report that for the past ten years or more that there has been a marked drop off to probably nothing in infectious diseases attributable to near shore water pollution at Surfrider Beach.

The one exception may be occasional wound infections which are much less frequent and less severe than the past; these are likely due to the re-suspension of beach sands contaminated with Staph. aureus bacteria from beach goers not water pollutants documented at this beach and others.

As reported yesterday by Drs. John Izbicki, Stephen Weisberg and others, elevations of fecal indicator bacteria are not reliable accurate measures upon which to base public health and related policies in natural habitat area like Malibu.

There has been a significant need to develop and implement human specific indicators of fecal contamination and related risk analyses for disease incidence and severity. Without reliable and timely source identification of possible water pollution sites, there has been a real mis-direction of public attention and private and governmental resources to evaluate and solve non-existent problems.

As a society in a real world of limited funds and many social and environmental problems, we cannot afford to keep making bad policies based on bad data.

In this regard in Malibu, I believe that the current MOU between the City and your Board is a marked improvement over the previous understandings and resolutions but it is still over-reaching and not substantiated by the now available scientific studies and methods of water pollution detection.

This is what I would recommend:

1. Acknowledge that sewerage portions of the Civic Center is a preventive measure to deal with future loads from future developments. What is in place now is working according to recent studies.

Limit further the size and volume of a new commercial Malibu Civic Center sewage system to only new commercial construction and to those commercial properties that seek to expand their restroom and fixture use.

Designing and implementing a larger system is unnecessary for systems that are currently in place and working; and injecting more than necessary treated effluent will only serve to increase ground water volumes, pressures and flows and threats of liquefaction damage during an earthquake.

For any sewage plant, ensure an adequate electrical back up system which is not susceptible to damage from our wildfires. Also, limit the service area and pipes to reduce the likelihood of pipe fractures and leaks prevalent in Malibu's challenging geological areas.

2. Continue current studies with new human specific fecal measures in the Malibu Colony areas close to the lagoon for septic systems that have not been upgraded to tertiary treatment.

3. Delay any further enforcement of a septic system ban in the so-called butterfly fly areas around the Malibu Civic Center; allow new or re-model residential improvements to occur with upgrades of septic systems to tertiary treatment.

Thanks for your considerate discussions and evaluations of these and similar issues of water quality and public health.

Sincerely,

Jeff Harris MD MPH